

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ELBA ALICIA ORDONEZ VELAZQUEZ,
LUIS ALBERTO ARRIAGA GUZMAN,
Husband and Wife,

CI 17-9371

Plaintiffs,

v.

ONEWORLD COMMUNITY HEALTH
CENTERS, INC.; JOHN or JANE DOE,
M.D., real names unknown and DOE
CORPORATION, real name unknown,

Defendants.

ORDER ON
UNOPPOSED MOTION FOR
EXTENSION OF TIME TO ANSWER
OR OTHERWISE PLEAD

This matter is before the Court on Defendant's Motion for an Extension of Time to file an Answer or otherwise plead. Being fully advised and recognizing that the Plaintiffs have no objection to the extension of time, the Court will grant the Motion.

ACCORDINGLY, IT IS ORDERED that:

Defendant shall have until on or before February 12, 2018 to submit an Answer or otherwise plead.

Dated this 5th day of December, 2017.

BY THE COURT:

EXHIBIT
A

Prepared and submitted by.

Lindsay K. Lundholm (NE# 22224)
BAIRD HOLM LLP
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Omaha, NE 68102-2068
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Attorneys for Defendants

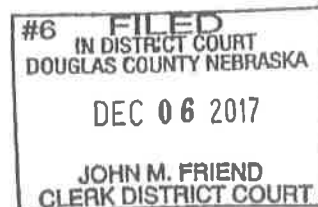


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SUMMONS

Doc. No. 487940

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Elba O Velazquez v. Oneworld Community Health

Case ID: CI 17 9371

TO: Oneworld Community Health Cntr Inc

You have been sued by the following plaintiff(s):

Elba A Ordonez-Velazquez

Luis A Arriaga-Guzman

Plaintiff's Attorney: Jeffrey P Welch
Address: 17220 Wright St, Ste 14
Omaha, NE 68130

Telephone: (402) 979-6008

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: NOVEMBER 2, 2017 BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Oneworld Community Health Cntr Inc
c/o Andrea Skolkin, Reg Agent
4920 S. 30th St., Ste 103
Omaha, NE 68107

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

Filed in Douglas District Court

*** EFILED ***

Case Number: D01CI170009371

Transaction ID: 0005994522

Filing Date: 11/02/2017 12:32:12 PM CDT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ELBA ALICIA ORDONEZ VELAZQUEZ,)	CI 17
LUIS ALBERTO ARRIAGA GUZMAN,)	
Husband and Wife,)	
)	
Plaintiff,)	
vs.)	COMPLAINT
)	MEDICAL MALPRACTICE
)	REQUEST FOR JURY TRIAL
ONEWORLD COMMUNITY HEALTH)	
CENTERS, INC.,)	
JOHN or JANE DOE, M.D., real names)	
unknown and DOE CORPORATION, real)	
name unknown.)	
)	
Defendants.)	

COME NOW the Plaintiffs, Elba Alicia Ordonez Velazquez and Luis Alberto Arriaga Guzman for their cause of action against the Defendants, state and allege as follows:

PARTIES

1. At all relevant times, Plaintiffs were husband and wife and residents of Omaha, Douglas County, Nebraska.
2. The Defendant Oneworld Community Health Centers, Inc. is a domestic corporation, incorporated under and pursuant to the laws of the State of Nebraska, operating medical facilities in Omaha, Douglas County, Nebraska, specifically a Oneworld Community Health Centers, located at 4920 South 30th Street, Omaha, Nebraska 68107. Said Health Center holds itself out to the public as a health care service corporation furnishing care, treatment and attention to patients, for a fee, while assuming a duty of exercising reasonable care toward its patients in the rendering of its services, and employed administrators, physicians, nurses, assistants, technicians and other agents to provide said health care services.
3. The Defendants John and/or Jane Doe, real names unknown, were duly

licensed and authorized to practice medicine in the State of Nebraska, holding themselves out to the public as physicians who furnished medical procedures, care and attention to patients for a fee, while assuming a duty of reasonable care toward patients in the rendition of medical services. At all relevant times herein, Defendants John and/or Jane Doe M.D., real names unknown, were employees of Defendant Doe, Corporation, and were acting within the course and scope of his and/or her employment.

4. At all relevant times herein, the Defendant Doe Corporation, real name unknown, was a professional corporation, incorporated under and pursuant to the laws of the State of Nebraska, holding itself out to the public as a medical service corporation furnishing care and attention to patients, for a fee, while assuming a duty of exercising reasonable care toward its patients in the rendering of its services.

UNCONSTITUTIONALITY OF THE ACT/WAIVER OF REVIEW PANEL

5. Plaintiffs believe that the Defendants may not be qualified under the Health Hospital-Medical Liability Act, Neb. Rev. Stat. 44-2801 through 44-2855, and were not so qualified during the time Defendants provided medical treatment to the Plaintiff Elba Velazquez.

6. However, if Defendants were so qualified, Plaintiffs allege that such act is unconstitutional in whole or in part because it violates Sec. A of the 14th Amendment to the Constitution of the United States, together with Article 1, Sec. 1, 3, 13, 16 and 25, as well as Article 3 and 21 of the Constitution of Nebraska.

7. Plaintiff hereby affirmatively waives any and all rights to a panel review under the provisions of the Nebraska Hospital-Medical Liability Act and will serve a file stamped copy of this Complaint upon the Director of Insurance for the State of

Nebraska by certified mail, together with a copy upon the Attorney General of the State of Nebraska.

ALLEGATIONS OF FACT AND MALPRACTICE

8. On October 19, 2015, Plaintiff Elba Alicia Ordonez Velazquez was seen at Defendant Oneworld Community Health Center located at 4920 South 30th Street, Omaha, Nebraska for complaints of “abdominal pain, acute”. She was seen and discharged with the instructions “h/o bariatric surgery” “has not been to GI this year” “need ROR for surgery records from Methodist hospital at next apt.”

9. On November 6, 2015, Plaintiff Elba Alicia Ordonez Velazquez was again seen at Defendant Oneworld Community Health Center for continued abdominal discomfort. Her assessment and plan was “referral: acupuncture” “medication: continue oxycodone-acetaminophen 5 mg-325 mg”.

10. Plaintiff Elba Alicia Ordonez Velazquez was taken from her home November 7, 2015, by rescue squad to Methodist Hospital. During her stay at Methodist, the Plaintiff Elba Velazquez was diagnosed with a bowel obstruction and underwent emergency laparotomy surgery and bowel resection.

11. As a direct and proximate result of the negligence of the Defendants and each of them, the Plaintiff Elba Alicia Ordonez Velazquez suffered intestinal blockage, was forced to undergo life-saving repair surgery and continues to suffer from extensive and severe abdominal disfigurement.

12. The negligence of any employee(s), as well as John Doe(s), M.D., and Jane Doe(s), M.D., real names unknown, are attributable to Defendant Oneworld Community Health Centers, Inc. by virtue of the doctrine of respondeat superior and/or apparent agency.

13. Each of the Defendants, and or their agent(s) or apparent agent(s) failed to exercise reasonable and ordinary care, skill and diligence, and departed from the generally accepted and recognized standard of care for the community in the care, assistance and treatment of Elba Alicia Ordonez Velazquez, and were therefore negligent in performing their duties in one or more of the following particulars:

- a. In failing to implement policies and procedures sufficient to provide adequate care, assistance and treatment of Elba Alicia Ordonez Velazquez;
- b. In failing to properly train, direct and supervise employees and agents and/or apparent agents in the proper method of diagnosing post-bariatric surgery patients;
- c. In failing to properly ensure treatment and referral orders are appropriate;
- d. In failing to consult with appropriate physicians in Elba Alicia Ordonez Velazquez's care and treatment; and,
- e. In failing to appropriately refer Elba Alicia Ordonez Velazquez to a specialist for treatment of her abdominal disorder.

DAMAGES

14. As a direct and proximate result of the joint and several negligence of Defendants and/or each of them as set forth above, Plaintiff Elba Alicia Ordonez Velazquez has sustained the following damages:

- a) the reasonable value of medical care and supplies reasonably needed by and actually provided to her in the past and reasonably certain to be needed and provided to him in the future;
- b) the reasonable value of the wages lost by the Plaintiff;
- c) the reasonable value of the physical pain, disfigurement, mental suffering and emotional distress the Plaintiff Elba Alicia

Ordonez Velazquez has experienced in the past and is reasonably certain to experience in the future;

- d) the reasonable monetary value of the inconvenience the Plaintiff Elba Alicia Ordonez Velazquez has experienced in the past and is reasonably certain to experience in the future;
- e) the reasonable value of any humiliation the Plaintiff is reasonably certain to experience in the future;
- f) permanent disability and disfigurement; and,
- g) the loss of enjoyment of life.

SECOND CAUSE OF ACTION

15. Come now the Plaintiffs and re-allege Paragraphs 1-14 of their first cause of action and incorporate them herein by reference thereto into this second cause of action as if fully set forth.

16. As a direct and proximate result of the negligence of the Defendants, jointly and severally, the resulting injuries to Plaintiff Elba Alicia Ordonez Velazquez, Plaintiff Luis Alberto Arriaga Guzman sustained the loss of his wife's affection, aid, society, companionship, and support, including loss of consortium.

WHEREFORE, Plaintiffs pray for judgment against the Defendants, jointly and severally, for their special and general damages that will fairly and adequately compensate them for Plaintiff Elba Alicia Ordonez Velazquez's permanent injuries, permanent disability, past and future medical expenses, loss of quality of life, past and future pain and suffering, humiliation, lost wages, future loss of earnings and household value, the past and future value of Plaintiff Luis Alberto Arriaga Guzman's loss of consortium, and such other items of general damages which may have been caused by the acts of the Defendants, with interest thereon together with their costs and attorney's fees as permitted by N.R.S. §44-2834(2) and such other relief as may be allowed by the laws of the State of Nebraska.

Dated this 31st day of October, 2017.

ELBA ALICIA ORDONEZ VELAZQUEZ and
LUIS ALBERTO ARRIAGA GUZMAN,
Husband and Wife,
Plaintiffs

BY: /s/ Jeffrey Welch
Jeffrey P. Welch, #20184
JEFFREY WELCH LAW LLC
17220 Wright St., Ste 14
Omaha, NE 68130
(402) 979-6008
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiff hereby requests that the above and foregoing cause of action
be set for trial by a jury.

/s/ Jeffrey Welch
Jeffrey P. Welch, #20184
JEFFREY WELCH LAW LLC
17220 Wright St., Ste 14
Omaha, NE 68130
(402) 979-6008
Attorney for Plaintiffs

SERVICE RETURN

Filed in Douglas District Court
 *** EFILED ***
 Doc. No. 487940
 Case Number: D01CI170009371
 Transaction ID: 0006043484
 Filing Date: 11/14/2017 05:08:29 PM CST

Douglas District Court
 1701 Farnam
 Omaha NE 68183

To:

Case ID: CI 17 9371 Ordonez-Velazquez v. Oneworld Community

Received this Summons on _____, I hereby certify that on

upor 34767-4-1

SENDER: COMPLETE THIS SECTION

by _____

- Complete items 1, 2 and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Andrea Skolkin
 Oneworld Com. Health
 4920 S 30th St Ste 103
 Omaha, NE 68107-1656

as re
 Serv

Cop
 Mile

9290 9901 3247 3400 0600 6561 13

T2. Article Number (Transfer from service label)
 32147901324734000600656119

Date _____

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Jeffrey P Welch ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 11/10/17

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (Over \$500)	

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,

TO THE PARTY: Oneworld Comm Health Center IncAt the following address: Registered Agent Andrea Skolkin4920 S. 30th Ste., Ste 103Omaha NE 68107on the 7th day of November 2017, as required by Nebraska state law.Postage \$ 13.70Attorney for: Plaintiff'sThe return receipt for mailing to the party was signed on 11/10, 2017.

: Oneworld Community Health Cntr Inc
 c/o Andrea Skolkin, Reg Agent
 4920 S. 30th St., Ste 103
 Omaha, NE 68107

From: Jeffrey P Welch
 17220 Wright St, Ste 14
 Omaha, NE 68130

ATTACH RETURN RECEIPT & RETURN TO COURT

Certificate of Service

I hereby certify that on Wednesday, November 15, 2017 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Doe Corporation service method: No Service

Doe,John,,M.D. service method: No Service

Oneworld Community Health Cntr Inc service method: First Class Mail

Doe,Jane,,M.D. service method: No Service

Signature: /s/ Jeffrey P. Welch (Bar Number: 20184)